

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

JANICE SHORTER,  
Personal Representative and  
Legal Guardian of  
DONSHAY SAYLES,

Plaintiff

v.

CHARLES E. SAMUELS, JR.,  
*et al.*,

Defendants

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CIVIL ACTION NO. 3:16-1973

(MANNION, D.J.)  
(ARBUCKLE, M.J.)

**ORDER**

In accordance with the memorandum issued this same day, **IT IS  
HEREBY ORDERED THAT:**

- (1) The Bivens Defendants' objections, (**Doc. 82**), to Judge Arbuckle's report and recommendation, (**Doc. 81**), are **SUSTAINED IN PART**, and **OVERRULED IN PART**.
- (2) The report is **ADOPTED** regarding Counts I, III and IV, and Defendants' motion is **DENIED** with respect to those Counts.
- (3) The report is **ADOPTED** regarding Count V, and it is **DISMISSED WITH PREJUDICE**.
- (4) The report is **NOT ADOPTED** regarding plaintiff's failure to supervise claim in Count II of the SAC based on supervisory liability, and Defendants' motion is **GRANTED** as to this claim. Supervisory Defendants, Samuels, Norwood, Ebbert, and

Kaszuba, are **DISMISSED WITH PREJUDICE**.

- (5) This case is **RECOMMITTED** to Judge Arbuckle for further proceedings with respect to plaintiff's remaining claims in the SAC.

s/ *Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Date: December 3, 2019**

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